

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

VINEYARD & CENTER  
VENTURES, LLC,

Plaintiff,

vs.

RAYNEL I. PRUITT; RODNEY  
JOHN PRUITT, and DOES 1 through  
10, inclusive,

Defendants.

CASE NO. 13-CV-1195 BEN (DHB)

**ORDER REMANDING CASE TO  
STATE COURT**

On April 17, 2013, Plaintiff Vineyard & Center Ventures, LLC filed an unlawful detainer action in state court against Defendants Raynel I. Pruitt and Rodney John Pruitt. On May 20, 2013, Rodney Pruitt removed the case to this Court, purportedly with the consent of Raynel Pruitt. (ECF No. 1.) The Court must determine whether it has jurisdiction to hear the case. If it does not, it must remand the case to state court. 28 U.S.C. § 1447(c).

“Only state-court actions that originally could have been filed in federal court may be removed to federal court by the defendant.” *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). “Absent diversity of citizenship, federal-question jurisdiction is required.” *Id.* “The presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of

1 the plaintiff's properly pleaded complaint." *Id.*

2 The Court disagrees with Defendant Rodney Pruitt's assertion that it has  
3 subject matter jurisdiction. The only claim for relief is a state claim for unlawful  
4 detainer. (*See* ECF No. 1, at 24-27.) Subject matter jurisdiction is lacking. *See*  
5 *Galileo Fi. v. Miin Sun Park*, No. EDCV 09-1660, 2009 WL 3157411, at \*1 (C.D.  
6 Cal. Sept. 24, 2009) ("Here, the complaint only asserts a claim for unlawful detainer,  
7 a cause of action that is purely a matter of state law. Thus, from the face of the  
8 complaint, it is clear that no basis for federal question jurisdiction exists.").

9 The case is **REMANDED** to Superior Court of California, County of San  
10 Diego, Case No. 37-2013-00044494-CL-UD-NC. Defendant Rodney Pruitt's  
11 Motion for Leave to Proceed In Forma Pauperis (ECF NO. 2.) is **DENIED AS**  
12 **MOOT**.

13 **IT IS SO ORDERED**

14  
15 DATED: May 21, 2013

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18 Hon. Roger T. Benitez  
19 United States District Judge  
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